

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LATUNDRA BILLUPS, <i>et al.</i> ,)	CASE NO. 1:18-CV-02189
)	
Plaintiffs,)	JUDGE SOLOMON OLIVER
)	
v.)	
)	
GEORGIA HUSSEIN,)	
)	<u>Motion to Clarify Motion to</u>
Defendant.)	<u>Reassign to Reflect Corrected Case</u>
)	<u>Number for the Previously</u>
)	<u>Remanded, Voluntarily Dismissed</u>
)	<u>and Refiled Case</u>

Now comes Defendant Georgia Hussein and respectfully submits this motion to clarify her previously submitted Motion to Reassign to reflect the correct case number for the previously removed, remanded and voluntarily dismissed case that Defendant submits is the related previous case for the purpose of reassignment per Local Rule 3.1(b)(4). *See generally*, Motion to Reassign Case to Judge Gaughan, *Billups, et al. v. Hussein*, No. 1:18-cv-02189 (N.D. Ohio Sept. 24, 2018), ECF No. 2.

The Correct Case Number for the related previous case is 1:11-cv-00165, captioned *Gladys Wade v. Cuyahoga County Board of Commissioners, et. al.*; See Docket Statement for Case No. 1:11-cv-00165, attached for the Court's Convenience as Exhibit A. Following is a brief explanation for the confusion.

On December 9, 2010, Plaintiff Gladys Wade filed a complaint in the Court of Common Pleas, Cuyahoga County, Ohio against multiple defendants, including

Georgia Hussein, which was assigned state court case number CV-10-743235. *See* Complaint, *Wade v. Cuyahoga County Board of Commissioners, et al.*, Cuyahoga C.P. No. CV-10-743235 (Dec. 9, 2010). On January 24, 2011, state court case number CV-10-743235 was removed to the United States District Court for the Northern District of Ohio and was assigned federal case number 1:11-cv-00165. *See docket generally, Wade v. Cuyahoga County Board of Commissioners, et al.*, No. 1:11-cv-00165 (N.D. Ohio), Exhibit A. Federal case number 1:11-cv-00165 was ultimately assigned to Judge Gaughan. Order of Reassignment, *Wade v. Cuyahoga County Board of Commissioners, et al.*, No. 1:11-cv-00165 (N.D. Ohio Jan. 28, 2011), ECF No. 6.

Defendant's previous motion referred to multiple consolidated state court cases, and federal court case number 1:11-cv-00079, which was also before Judge Gaughan. All of these cases are all substantially related and arise out of the same course of conduct alleged to have caused the multiple Plaintiffs' damages, including those of Gladys Wade. Most of these consolidated cases are no longer pending in state court because they were resolved by the parties. All of the defendants except Georgia Hussein were dismissed on the merits by the state courts. Plaintiff Gladys Wade however, voluntarily dismissed her remaining claims against Defendant Georgia Hussein pursuant to Rule 41(a) of the Ohio Rules of Civil Procedure. *See* certified copies of Plaintiff's Notice of Voluntary Dismissal, Case No. CV-10-743235, and Judgment Entry dismissing the case, dated 09/10/2018, Exhibits B and C respectively.

For these reasons, Defendant Hussein seeks to clarify that, although currently pending federal case 1:18-cv-02189 is substantially related to case number 1:11-cv-00079 as discussed in her previous motion, it is even more substantially related to previously pending federal case number 1:11-cv-00165, which named Gladys Wade as a plaintiff and Georgia Hussein as a defendant and arose out of the same conduct that Plaintiff alleges gives rise to liability in the instant case.

Despite this confusion with case numbers, previously consolidated cases, and previously remanded cases, Defendant Hussein maintains that the currently pending case of *Latundra Billups, et al. v. Georgia Hussein*, involves a case that was previously assigned to Judge Gaughan, remanded by Judge Gaughan, voluntarily dismissed by Plaintiff Gladys Wade, and subsequently refiled. Therefore, pursuant to Local Rule 3.1, the currently pending case of *Latundra Billups, et al. v. Georgia Hussein*, “shall be assigned to the same Judge who received the initial case assignment” and put on Judge Gaughan’s docket.

For the foregoing reasons, Defendant Georgia Hussein respectfully requests that that the instant case be assigned to the docket of the Honorable Judge Patricia Gaughan.

Respectfully submitted,

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By: /s/ Elena N. Boop

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CERTIFICATE OF SERVICE

A copy of this Motion to Clarify Motion to Reflect Correct Case Number for the Previously Remanded, Voluntarily Dismissed, and Refiled Case to the Docket of Judge Patricia Gaughan was filed electronically on September 27, 2018. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Elena N. Boop
Elena N. Boop (0072907)